

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 08, 2024 – 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation given by Lifepoint Carolina Beach Pastor Jen Nau, followed by the Pledge of Allegiance.

### PRESENT

Mayor Lynn Barbee  
Mayor Pro Tem Deb LeCompte  
Council Member Jay Healy  
Council Member Joe Benson  
Council Member Mike Hoffer

### ALSO PRESENT

Town Manager Bruce Oakley  
Finance Director Debbie Hall  
Town Clerk Kim Ward  
Community Development Director Jeremy Hardison  
Town Attorney Noel Fox

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

### CONSENT AGENDA

1. Approve Ordinance number 24-1239 amending the budget for the Ocean Sidewalk Project. Appropriate \$126,297.27 to account 46-580-074 Ocean Sidewalk Capital Project fund as follows: \$15,740.04 interest earned on Grant Funds, \$9,000 from account 46-581-074 CBAN Improvements and \$101,557.23 from the General Fund fund balance.
2. Set a public hearing for November 12, 2024 – Text Amendment to UDO Article 7: Definitions and Measurement. Applicant: North Pier Holdings, LLC
3. Approval of Council Meeting Minutes from September 10 and 24, 2024.

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Council Member Healy, Council Member Benson, Council Member Hoffer  
*Motion passed unanimously*

**SPECIAL PRESENTATIONS**

4. Events Update by Tim Murphy

Tim Murphy reported these upcoming events:

- Saturday, October 12<sup>th</sup> Beechin Car Show 10-3pm at the Lake
- Saturday, October 12<sup>th</sup> Pink Tide Walk 9am at the Lake
- Saturday, October 12<sup>th</sup> Shuckin Shack Fresh and Raw Tour 12-7pm at Shuckin Shack
- Saturday, October 12<sup>th</sup> Starts Pleasure Island Restaurant Week (See Chamber's website)
- October 18-20 Pleasure Island Surf Fishing Challenge
- October 26<sup>th</sup> Fire Department BBQ at the fire station 11am until the BBQ is gone.
- October 26<sup>th</sup> Halloween Golf Cart Extravaganza 4pm (See Island Men Facebook page)
- November 1<sup>st</sup> Night Flight of Kites – Carolina Beach Boardwalk
- November 16<sup>th</sup> Trash to Treasures Yard Sale at the Lake 9am-2pm

5. Centennial Committee Presentation

Maureen Lewis, Chair of the Centennial Committee reviewed all the events currently scheduled for the Centennial Celebration beginning in March, 2025.

6. Manager's Update

Town Manager Bruce Oakley gave the following storm and project updates:

- The Small Business Administration group will have a team at Town Hall to help process claims. They will be here late this week or early next week.
- The Town is still waiting to receive a FEMA Declaration. We are hoping to have this soon.
- There was significant damage to the bulkheads at Dolphin, Scallop, and Seagull Lanes.
- Debris pickup is coming to an end. Future pickups will be scheduled with Town staff not the contractor.
- The boardwalk bathroom construction will start in early January.
- The lake pump house project is going out to bid in late October or early November.
- The Stormwater Open House is on Wednesday, October 23<sup>rd</sup> from 4-6pm in Council Chambers.
- The beach nourishment project was approved by the Army Corps of Engineers today. We should be getting sand on the beach this winter.
- The Ocean Boulevard sidewalk project should start construction in November. Staff has been notifying residents. This will be a 3–6-month project. Mr. Hoffer suggested that staff request DOT reduce the speed limit to 25 mph on Ocean from the Greenway to Lake Park Boulevard. Council asked to discuss this at the next meeting.
- The Town received notice today that NCDOT is going to resurface Ocean Boulevard starting next week.

## **PUBLIC COMMENT**

Stephen Taylor 111 Florida Avenue spoke about flooding on Florida Avenue. He asked that the Town put a barrier arm at the intersection of Florida and Delaware.

Debbi Taylor 111 Florida Avenue spoke about vehicular traffic on Florida Avenue during flooding. She asked staff to stop the west bound traffic from Florida Avenue.

Jordan Glaser of 1413 Sea Ray Lane said that his property has flooded four times since building on it in 2022. He stated there is a drainage issue and feels it can be corrected. He has been working with Roger's Excavation on the pitch of the property.

## **PUBLIC HEARINGS**

7. Consider a preliminary plat for a 4-lot subdivision located at 1231 Saint Joseph Street  
Applicant: Black Lotus Properties, LLC

Gloria Abbotts presented the request. Black Lotus Properties, LLC, has submitted a request for a preliminary plat approval for the Kybalion Creek subdivision at 1231 Saint Joseph Street. The property is 49,437 square feet (1.14 acres). This subdivision will consist of 4 lots between 7,224 – 10,231 sq. ft. The existing single-family home on the property will become Lot 2 of the subdivision.

The applicant proposes installing a private road, Reef Rd., which will meet the minimum width of 22'. The road will be constructed with pervious material that meets the standards of DOT & Fire Code, subject to P&Z approval. To remain within the 10,000 square feet impervious surface limit for a state stormwater permit, a pervious road surface is proposed. The existing ditch that runs along the rear of the property will be relocated closer to the rear property line, with a riprap lined swale to manage drainage. The existing ditch carries flow from other properties, which the engineer has provided calculations to account for additional drainage. The only proposed fill would be for the ditch relocation. Most of the dirt from the new ditch will be repurposed to fill in the old ditch, with only a minimal amount of additional fill required. The site will be graded to maintain natural flow from south to north. An 85' x 60' hammerhead at the end of Reef Rd will be installed for turnaround access. The entire subdivision is in an AE 11 flood zone. There is an existing fire hydrant in front of Forest by the Sea to service the subdivision. Water and sewer will be off St. Joseph Street with private lines extended to service the lots. Streetlamps will be required, and street trees will be installed for every 50' of lot frontage. Existing vegetation can be used and are encouraged. Sidewalks are not proposed along the street, but Council may require the applicant to construct a sidewalk. The proposed 8' multi-use path will be in the right-of-way in front of the subdivision.

Single-family dwellings are permitted by right in the R-2 zoning district, which has a minimum lot size of 7,000 square feet. Setbacks for structures in this district are 25 feet from the front, 10 feet from the rear, and 7.5 feet from the side yards, and 12.5 feet required on corner lots. The maximum height for structures is 45 feet, with a maximum lot coverage of 40% and a maximum impervious coverage of 65% per lot.

Staff recommends approval of this preliminary plat subject to the following conditions. The final plat may not be submitted for approval until all conditions, revisions, changes and submissions are made. The conditions, revisions, changes and submissions to be made are as follows:

1. Street trees shall be installed according to the preliminary plat submittal. Existing vegetation can be used for this requirement.
2. Permanent monuments of stone or concrete shall be placed at one or more corners of the subdivision to be designated as control corners.
3. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer.
4. Surfacing shall be done in accordance with plans and standard specifications approved by the Planning and Zoning Commission and the State Department of Transportation.
5. The Council may require the construction of a concrete sidewalk on one side of all frontage streets and potentially on one or both sides of all other streets within the subdivision, in accordance with approved plans and specifications.
6. The installation of a street sign, light pole, and stop sign is required.
7. Electrical lines shall be buried.
8. Lot coverage for any lot located within the subdivision shall not exceed 40%.
9. The plan must clearly designate the location of open space, recreation areas, and stormwater ponds, as well as ownership details.
10. Grading, surfacing, curb and gutters, sidewalks, street lighting, street trees, sewage disposal facilities, stormwater drainage facilities, and other utilities shall be installed and certified by a surveyor and/or engineer, or Performance Guarantee provided prior to recordation of the final plat.

P&Z recommended unanimous approval with the condition that the pervious road be certified. Staff will require each home to provide stormwater containment on site and require certification at the time of CO.

**ACTION:** Motion to open the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

The applicant's engineer, Tommy Scheetz spoke and reviewed the stormwater plan. Council was pleased to hear that the applicant was keeping the existing structure and making efforts to use pervious materials where they could.

Thomas George of 1200 St. Joseph Street expressed concern over the stormwater management.

**ACTION:** Motion to close the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

**ACTION:** Motion to approve the preliminary plat for Kybalion Creek as presented.

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

## **ITEMS OF BUSINESS**

8. Consider amending the 2016 Revenue Bond Budget to Include the Wastewater Treatment Plant Clarifier

Public Utilities Director Mark Meyer informed Council that this project was scheduled to be requested in the FY25/26 budget. During Potential Tropical Cyclone 8, the clarifier failed, and staff had to make emergency repairs. Staff is asking Council to approve the cost of the Wastewater Treatment Plant Clarifier Project and amend the 2016 Revenue Bond to include the expenditures associated with the Project.

**ACTION:** Motion to approve Ordinance 24-1240 amending the 2016 revenue bond budget in the amount of \$280,606.00 to include the Wastewater Treatment Plant Clarifier Project.

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

9. Boardwalk Bathroom Bid Award

Mr. Oakley informed Council that staff advertised a Request for Proposals (RFP) to construct the proposed new Boardwalk Bathroom on September 6<sup>th</sup>, 2024, with a bid due date of September 19<sup>th</sup>, 2024. No bids were received on that date and the RFP was readvertised on September 20<sup>th</sup>, 2024 for a September 27<sup>th</sup> due date. The Town received one bid from Masonboro Construction and Development, LLC for \$1,998,147 which includes a 10% contingency and a 4% reserve for change orders. Construction would begin in January of 2025.

**ACTION:** Motion to award the boardwalk bathroom construction project to Masonboro Construction and Development, LLC for \$1,998,147 contingent on the Local Government Commissions Financing Approval.

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

## **COUNCIL COMMENTS**

Mayor Pro Tem LeCompte – Realtors give back day is this Friday at 9am. Realtors will be doing several projects around town. She reminded everyone to be prepared for Hurricane Milton. She also mentioned that people are going through roadside debris and scattering it throughout the street. Finally, the Bike Rodeo was a great success, and they are already looking forward to next year.

Council Member Healy encouraged everyone to vote early. Early voting starts next Thursday. He also mentioned that the palm trees downtown need to be cut.

Council Member Hoffer said that people are already moving into Proximity and he would like to have a conversation about this at the next Council meeting. He suggested that the Centennial Committee consider elevating the “I heart CB” sculpture for a better photo op. He also wanted to make sure that sod would be put in around the marina.

Council Member Benson thanked everyone for meeting with him at the north end to discuss flooding. He asked to get a schedule for the street sweeper and the vector. Mr. Oakley mentioned that he is getting quotes for a third-party company to go through the entire stormwater system.

Mayor Barbee said that he attended the New Hanover County Board of Commissioners meeting on Monday where they honored the CBES principal for her leadership during the storm. He asked everyone to be sensitive to those who are still struggling with storm damage.

## **CLOSED SESSION**

### 10. Closed Session – Attorney/Client

**ACTION:** Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143.318.11(a)(3). The matter being discussed is 23 CVS 3744 Carolina Beach Landholdings, LLC vs. Town of Carolina Beach.

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

*Motion passed unanimously*

Council returned to open session and Mayor Barbee stated that no action was taken during closed session.

## **ADJOURNMENT**

**Mayor Barbee adjourned the meeting at 8:30PM**